

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Theodore Lester McWhite, Jr.,	)	C/A No. 1:11-2756-JFA-SVH
	)	
Plaintiff,	)	
vs.	)	ORDER
	)	
Wesley Ingram,	)	
	)	
Defendant.	)	
_____	)	

The *pro se* plaintiff, Theodore Lester McWhite, Jr., brings this action pursuant 42 U.S.C. § 1983 alleging excessive force and denial of medical treatment by the defendant while he was a pretrial detainee at the Florence County Detention Center.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation and opines that the complaint should be dismissed in accordance with Rule 41(b) of the Federal Rules of Civil Procedure. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on August 20, 2012. However, the plaintiff did not file any objections to the Report within the time limits prescribed. In fact, on August 30, 2012, the copy of the Report and Recommendation mailed to the plaintiff was

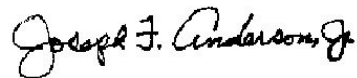
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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

returned from the U.S. Postmaster marked “Returned to Sender” and “Released 6/29/12.” The plaintiff has previously been ordered to keep the Clerk of Court advised in writing if his address changes and he has not complied with that order.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge’s recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed with prejudice under Rule 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

Joseph F. Anderson, Jr.  
United States District Judge

August 31, 2012  
Columbia, South Carolina